IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR
Civil Revision No. 122 / 2005 **Single Bench**

Applicants (Claimants) :

1. Smt. Sumati Bai
Wd/o Manoharlal Verma
Aged about 38 years

2. Bhoj Ram
S/o Manoharlal Verma,
Aged about 23 years

Both R/o Karmada,
P.S & Tehsil – Baloda Bazar,
Dist : Raïpur-(C.G.)

Versus

Respondents (Defendants) :

1. Bhoj Ram
S/o Radheshyam Verma,
Aged about 25 years
R/o Jharwe, P.S.- Palari,
Present Address Mova Raipur,
Dist : Raipur-(C.G.)

--Vehicle Driver--

2. Wasim Raja
S/o Abbas Khan @ Riyazuddin Khan (Muslim)
Aged about 20 years,
R/o Modahapara,
Bombay market Raipur,
Dist : Raipur-(C.G.)

--Vehicle Owner –

3. The new India Insurance Co.Ltd.,
Through – Divsional Manager,
New India Insurance Co.Ltd.,
Madina Building
Kacheri Chowk, Raipur-(C.G.)

P.R. No. 24985/05 Present Wasim
Presented by Shri ... dated 30/9/05

CIVIL REVISION U/S 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-78

(29)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... C.R. 122/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.11.2005 Shri Deepak Jain, counsel for the applicants. Shri N.K.Agrawal, Dy. A.G. for respondent No.3/Insurance Company. Heard. The applicant has preferred this revision against the order dated 20.06.2005 passed by learned Second Additional Motor Accident Claims Tribunal in Execution Case No. 32/2004 and by which the application preferred by the claimant for permission to withdraw the sum of Rs. 50,000/- for the purpose of construction of house and Rs. 75,000/- for the purpose of opening a new business has been rejected. Learned counsel for the applicants submits that the learned Court below passed an award in Claim Case No. 32/2004 for a sum of Rs. 3,97,596/- in favour of the claimants and out of the total awarded amount a sum of Rs. 1,00,000/- has been deposited in the fixed deposit account of Sumati Bai and Bhojram and further sum of Rs. 1,30,000/- in the fixed deposit account of minor, Ganga Prasad. The claimants preferred the application to withdraw the amount from the fixed deposit account of Sumati Bai for a sum of Rs. 50,000/- and 75,000/- from the fixed deposit account of Bhojram. However the same has been rejected by the impugned order of the Court below on the ground that the claimants have already disbursed 1,30,000/- from the awarded sum and therefore it would not be justified to pay the above sum just within three months. Learned counsel for the applicant further submits that the applicant had filed documents and an affidavit to establish the same. However the same has been rejected.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(30)

मामला क्रमांक ..... C.R.122/05 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -- 2 --	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the parties. Taking into consideration the facts and circumstances of the case, ends of justice will be served if the applicants are permitted to withdraw Rs. 50,000/- each from their fixed deposit account. With the aforesaid observation the revision is disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	